IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

TAKEN-UP WRIT PETITION No.248 of 2001

Between:

Paper Clipping of Eenadu Daily Telugu Newspaper
dt.6-1-2001.containing the News under caption "PARK STHALALU HAMPAT PEDDALA KOMMUKASTHUNNA SARKAR"

..... PETITIONER

AND

1.The President, Jubilee Hills Co.op Housing Society,
Jubilee Hills, Hyderabad.
2.The Commissioner, Hyderabad Municipal Corporation,

Tank Bund, Hyderabad.
3.The Chairman, Hyderabad Urban Development Authority,

opp:Police Lines, Begumpet, Hyderabad.
4.The Commissioner of Police, Twin Cities, Hyderabad.
5.The Secretary to the Govt., of A.P Municipal Administration (H.M.A & U.D) Department, Secretariat, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus calling for records and remarks from the respondents herein, in and connected to "unauthorised occupation of vacant sites and land bits which were demarcated for public parks, and green belts in the layouts of various housing

cooperative societies in the twin cities of Hyderabad and Secunderabad, particularly in the case of Jubilee Hills cooperative Housing Society, Hyderabad by the unauthorised person.

Counsel for the Petitioner: News Items

Counsel for Respondent No.1: None appeared.

Counsel for Respondent No.2: Mrs. G.Jyothi Kiran,

S.C. for MCH.

Counsel for Respondent No.3 : None appeared.

Counsel for Respondent Nos.4 & 5 : Advocate General.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Paper clipping of EENADU Telugu Daily Newspaper dated 6-1-2001 under the caption "PARK STHALALU HAMPAT PEDDALA KOMMUKASTHUNNA SARKAR" was registered as Taken-up writ petition. The paper clipping highlighted unauthorized occupation of vacant sites and land bits which were demarcated for public parks and green belts in the layouts of various housing societies in the twin cities of Hyderabad and Secunderabad, particularly in Jubilee Hills. It was stated that a person who was earlier allotted 3000 Sq.yds., has occupied 4000 Sq.yds. abutting the allotted land.

On receipt of notice, Syed Muzaffer Hussain, Chief City Planner, Municipal Corporation of Hyderabad has filed a detailed affidavit. It is stated that Municipal Corporation has taken up detailed survey of open spaces in all the circle offices of Hyderabad and Secunderabad. There are about 1066 open spaces identified, and 667 are developed, out of which 554 open spaces are developed with landscape parks and 113 as play grounds with fencing; 107 open spaces are covered by public buildings and encroachments such as schools, health centers, temples, mosques, and the remaining 292 open spaces are yet to be developed.

Detailed information has been furnished in the affidavit as regards Jubilee Hills Co-operative Housing Society. It is stated that layout was approved on 15-6-

1991 with total area of Ac.1167.26 comprising 3035 plots with area of Ac.667.78. Roads are to the extent of 19.10% and the total open spaces are to the extent of 21.50%; total area under roads and open spaces is 40.61%. From the details furnished, it appears that out of the open spaces, area occupied by slum is Ac.10.11; area allotted to Government Departments, Temples and other institutions is about 3.18%; area encroached by plot owners is Ac.12.581; actual open space area available is Ac.213.87, and total encroachment of nala portion is Ac.1.62.

The affidavit has denied the allegation that a person who was in occupation of 3000 Sq.yds., has occupied 4000 Sq.yds. It is further stated that parks and playgrounds are looked after by the Executive Engineer of Engineering Section and Chief Horticulturist of Municipal Corporation for development and maintenance. When open spaces are subjected to encroachment, Executive Engineer, Parks & Playgrounds/Chief Horticulturist, with the help of Town Planning Section and police, are expected to remove the encroachments. In spite of watch and ward of Municipal Corporation, open spaces are subjected to encroachment by antisocial elements. Municipal Corporation is taking up periodical checks for removal of encroachments with the help of police to safeguard the open spaces.

Considering the nature of the news item and the affidavit in reply, we are of the view that no other or further directions deserve to be issued in the writ petition except observing that Municipal Corporation has to safeguard the open spaces and take all necessary steps for removal of encroachments, whether they have been made by antisocial elements or plot owners. The Executive Engineer/Chief Horticulturist who is having control over the open spaces should note that it is high time that appropriate preventive measures are initiated and appropriate proceedings are taken out for removing the encroachments. They should submit a report to the Commissioner concerned about the progress made in that direction. The Municipal Corporation should keep a regular watch and fix responsibility even on its own staff, and see that they discharge their obligations which they owe about the open spaces, which must be utilized for the purposes for which they are reserved by the Corporation. We hope that the Municipal Corporation will take the matter seriously and give due consideration which it deserves.

The writ petition is accordingly disposed of. No costs.

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(DEVINDER GUPTA, C.J.)

20th September 2004.

_____ (B.SESHASAYANA REDDY, J.)

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To

1.The Commissioner, Hyderabad Municipal Corporation,

Tank Bund, Hyderabad.
2.The Chairman, Hyderabad Urban Development Authority,

opp:Police Lines, Begumpet, Hyderabad.
3.The Commissioner of Police, Twin Cities, Hyderabad.
4.The Secretary to the Govt. of A.P, Municipal Administration (H.M.A & U.D) Department, Secretariat, Hyderabad.

5.Two C.Cs. to the Advocate General, High Court Bldgs., Hyderabad (OUT).

6.Two C.D. copies.